



**National Women's
Safety Alliance**

**Guidance on the Draft
Proposal: Addressing gender-based violence in higher
education.**

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Submitted by

Katherine Berney

Executive Director

National Women's Safety Alliance

www.nwsa.org.au

Acknowledgement

The National Women's Safety Alliance acknowledges the Traditional Owners of the land on which we work and live. We pay our respects to Aboriginal and Torres Strait Islander Elders past, present and future, and we value Aboriginal and Torres Strait Islander Elders past, present and emerging. We value Aboriginal and Torres Strait Islander histories, cultures, and knowledge.

About NWSA

The **National Women's Safety Alliance** brings together a diversity of voices, expertise and experience to inform and guide national policy on women's safety. The NWSA, established in August 2021, connects the sector, experts, government, and victim-survivors with a shared vision to end violence against women. This will be achieved through consultation, research, and the collaborative development of expert policy advice to government.

More information about NWSA is available on our [website](#).

Introduction

National Women's Safety Alliance (NWSA) welcomes the opportunity to provide guidance to the Department of Education on the Draft Proposal: Addressing gender-based violence in higher education.

The NWSA brings together over 400 individual and organisational members, including front-line services, research, and legal expertise, as well as survivors of domestic, family, and sexual violence.

We work with members and stakeholders, including Government to provide advice on a range of policy measures that directly affect women living with violence and the staff who work tirelessly to provide advice and support to them.

Background and Overarching Considerations

Sexual violence on university campus settings has been a longstanding focus of student organising which, in recent times, has gained significant traction following the release of the Australian Human Rights Commission findings of the *National university student survey on sexual assault and sexual harassment* (called "the National Survey") in 2017¹ and the 2023 parliamentary inquiry into sexual consent harmonisation.²

The National Survey found that around half of all university students had been subjected to harassment at least once, and nearly 7 per cent of students surveyed had been assaulted during the survey period. Very few students formally reported to the university, and the majority of students surveyed did not know the process to make a formal complaint. Additionally, the national survey also listed the following as relevant for understanding what is meant by "university settings" the findings: *the campus, travel to and from campus, an off-campus event and employment on campus*.

Other investigations into sexual violence in university settings, include End Rape on Campus Australia's 2018 "*The Red Zone Report*"³ which explored issues such as O-Week events, hazing rituals, college housing, organised grooming of first year students and the lived experiences of international students on campus.

¹ <https://humanrights.gov.au/our-work/executive-summary-8>

² https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/RB000074/toc_pdf/CurrentandproposedsexualconsentlawsinAustralia.pdf

³ <https://static1.squarespace.com/static/5762fc04f5e231826f09afae/t/5a95cf99e4966ba2c2a64ca5/1519767581881/The+Red+Zone+Report+2018>

Further to the already deeply concerning landscape exposed through these and other campaigns, the parliamentary inquiry into *Current and proposed sexual consent laws in Australia* heard from students, researchers and staff who questioned the sincerity of the university sector's commitment to ensure safety on campus. Penalties for offenders, when they were in place, were often piecemeal and tokenistic.⁴

In a searing indictment of the situation on Australian university campuses, the Legal and Constitutional Affairs References Committee recommended the Tertiary Education Quality and Standards Agency (the regulator) be subjected to an independent review of its institutional responses to sexual violence on campus. In reflecting on how the regulator and the sector had, effectively, failed students, the Committee said: *In the strongest terms, this committee says that is a shameful state of affairs. It is unacceptable.*⁵

Given this background, we use this submission to share the following overarching concerns with the draft proposal:

1) Underlying assumptions do not reflect reality.

The draft plan appears to make underlying assumptions about the current landscape that are not representative of the institutional reality or lived experience of students on campus today, and which will significantly undermine the success of the proposed actions in the short term.

We call attention to a number of listed actions that fail to recognise the existing reputational deficiencies of universities in this space, and other actions that appear as merely academic or administrative exercises devoid of any tangible benefit to student safety.

In particular, the plan lists “*teaching and learning*” as an action area and gives note to the need for online and physical teaching locations to be ‘equitable, accessible, respectful, and safe and for course materials to be examined for biases.’ While obviously it is agreeable that the lecture theatre and the library (for example) be places of ‘safety and respect’, this is the kind of low-bar ambition that permeates the draft actions. In the current reality such mother-statements fail to even incorporate actions relevant to the university settings listed in the National Survey; *the campus, travel to and from campus, off-campus events, and employment on campus*. For example, there is no consideration in the draft of a strategic approach to safety and planning, safety planning, risk management and event assessment, common travel routes, and campus locations and extremely limited discussion on student accommodation settings.

⁴https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/RB000074/toc_pdf/CurrentandproposedsexualsexualconsentlawsinAustralia.pdf, 4.109, pg. 91.

⁵https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/RB000074/toc_pdf/CurrentandproposedsexualsexualconsentlawsinAustralia.pdf

For many students whose accounts are already documented, they reported indifference from university administration and absence of perpetrator consequences as amplifying their distress. The action plan does not reference these institutional deficits or even propose a mechanism to evaluate them. In this vein, the “*Business and operations*” proposals for actions insists that providers “model and promote their leadership”, which is staggering given how reticent universities have been to meaningfully engage in this discussion and put deliverables on the table. As the parliamentary inquiry found:

5:102 On this point, the committee especially acknowledges evidence from End Rape on Campus Australia that there are many simple ways in which universities could act in a trauma-informed manner.

5.103 For example, the committee suggests that, at a very minimum, common decency demands that victim-survivors are not forced into study or living arrangements that place them in close proximity to their perpetrator.

5:104 It is totally without surprise that universities’ responses to sexual assault contribute to low reporting rates and increasing demand for specialist student support services. University students who have experienced sexual violence are being significantly re-traumatised and, in some instances, are unable to continue their higher education, as a consequence of their treatment by their university. The committee cannot over-emphasise how troubled it is by these outcomes, nor over-state how disappointed it is in the university sector’s overall response.

2) Distinct student cohorts are not included.

The Red Zone report identified a number of demographic cohorts who were uniquely vulnerable to harassment, assault and exploitation on university campuses including first year students, international students, students living on residential colleges and LGBTQIA+ students. Racism and homophobia were also discussed as serious issues and themes that coexisted or co-presented with sexual violence. It is important that a proposed plan to address gender-based violence in university settings recognise the intersection between these student cohorts and the behaviour they may be exposed to.

The National Women’s Safety Alliance urges the final Action Plan incorporate an intersectional lens and including discernible actions and measures for student cohorts determined to be at disproportionate risk of violence.

3) Accountability is overdue.

The parliamentary inquiry heard that the failure of universities to respond meaningfully to sexual assault on campus had been exacerbated by the regulator's inaction or restrained responses to complaints. In fact, the Inquiry report noted *the regulator has continually failed to exercise the full breadth of its powers to hold universities accountable for their woeful responses.*⁶ While ensuring accountability was built into the regulator's role, and into universities' own practices and policies, it was not consistently or robustly pursued.

*5.118 Given the evidence, the committee lacks confidence that the university sector (as a whole) will respond appropriately to the crisis without strong intervention. This is a regrettable conclusion that the committee does not come to lightly. The time for 'working groups' has passed. In the committee's view, a taskforce with effective powers should be immediately established to ensure accountability in the university sector.*⁷

While the NWSA, in principle, supports the creation of a new National Student Ombudsman, there is no indication of when such an office will commence. Given the findings of the parliamentary inquiry and the reality of student experiences today, there is an urgent need for improved accountability, reporting and transparency to be pursued in the interim period.

The human impact as outlined by our members testimony can be catastrophic when institutions fail to acknowledge the unique and nuanced needs of victim survivors. It is no longer acceptable to be aspirational. Students in Australia need immediate outcomes and systems in place to protect their higher education journey.

⁶ Op.cit 5.120, pg. 116.

⁷ Op. cit 5.118, pg. 115.

Reflecting on the institutional response to my sexual assaults. I thought my university degree was going to be a time to start over, to recover from the journey that had been my schooling pathway. I envisioned parties and new friends and studying something I enjoyed. I had hoped I would find the person I wanted to be and use this time to explore the world and feel like it was my own, maybe making a few mistakes along the way. I thought it would be happy, fun, the best years of my life like my mum had told me when she sat on my college bed on my first day there. You have made the reality vastly different.

Those men took those hopes from me, but you stood there and did nothing after it happened. You told me there was nothing you could do, made it my problem, took choices away from me. You asked if I wanted to move classes, suggested I just zone out when my misogynistic lecturer shamed me in front of my class, proposed maybe I just take a semester off. And when I started asking questions, what will happen to him? Will he get in trouble? Will I ever have to see him again? All your voices fell silent.

*To Vice Chancellors and executives of Universities Australia wide please consider the impact you have on survivors. Reflect on your policies because right now they are not good enough. Not even close. So much so that the government is proposing a National Student Ombudsman to oversee your responses to survivors. Please do better for the 1 in 20 people who have been sexually assaulted while at university. I firmly believe that cultural change cannot happen without the support of our universities. **NWSA Member***

Testimony